

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 24343 of 2005

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Dated 17th March, 2006

Between:

Dr.Mary Esther Cynthia

... Petitioner

And

The Osmania University, represented

by its Registrar, O.U.Campus, Hyderabad

and another.

... Respondents.

ORDER:

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The petitioner, who is presently working as Associate Professor in the first respondent-University, has filed this writ petition for issuance of a writ of mandamus to declare the proceedings No.MR-291/1/2005/Adm-II-1, dated 10.11.2005 as illegal, arbitrary and violative of Principles of Natural Justice.

The necessary facts in brief for disposal of this writ petition are as follows:

The petitioner was initially appointed as a Lecturer vide proceedings dated

11.8.1993 in proceedings No. 4608/290/1981/Admn.II-1 and was allotted to one of the constituent colleges of the respondent-University i.e. Women's College, Hyderabad. On completion of eight years of service, the petitioner was given Senior Scale and, thereafter, she was further promoted as Reader/Associate Professor vide proceedings No.MR-247/240/99/Admn.I-1, dated 30.6.1993. On completion of 12 years of service in the post of Associate Professor, the respondent-University initially sent notice dated 3rd November, 2005 informing the petitioner to be present for the interview on 12.11.2005 for award of Professor (promotion) under Career Advancement Scheme evolved by the University Grants Commission. However, just a day before the date of interview intimated to the petitioner, i.e. on 11.11.2005, the petitioner received a communication dated 10.11.2005 withdrawing the earlier call letter issued to the petitioner to attend the interview, on the ground that the evaluation experts of the research publications submitted by the petitioner have not recommended the petitioner for promotion on evaluating the research publications submitted by the petitioner.

The proceedings dated 10.11.2005 are questioned in the writ petition on the ground that the respondents have not assigned any valid reason for withdrawing the earlier intimation to appear for the interview on 12.11.2005. It is the further case of the petitioner that the respondents have not furnished the report of the evaluation experts, who evaluated the papers and the petitioner was not informed the parameters that were taken into consideration while evaluating the research paper submitted by the petitioner.

Counter affidavit on behalf of the respondents has been filed by the Registrar of the first respondent-University. In the counter-affidavit, it is stated that the University Grants Commission has issued guidelines for promotion as Professor under Career Advancement Scheme of UGC RSP-96. As per the said guidelines, one should have 8 years of service as Associate Professor and should have 5 research publications to his/her credit published in recognized or reputed journal during the eligible period of 8 years. Because the petitioner has submitted the research papers, in anticipation of the recommendation in favour of the petitioner, communication was sent to the petitioner to appear for the interview scheduled on 12.11.2005. But, in view of the negative recommendation by two experts out of four experts, of the research papers submitted by the petitioner, the petitioner became ineligible to be considered for promotion, and, therefore, the University has addressed letter dated

10.11.2005 withdrawing the call letter dated 3.11.2005.

Shri V.Venkataramana, learned counsel for the petitioner submitted that no reasons are assigned for withdrawing the earlier communication and the action of the respondents in issuing the impugned proceedings depriving the petitioner to be considered for promotion under Career Advancement Scheme is illegal and arbitrary. It is further submitted that, in any event, no information is furnished to the petitioner as to in respect of which research papers submitted by the petitioner, there was negative recommendation by the subject experts.

On the other hand, it is submitted by Shri Deepak Bhattacharjee, learned Standing Counsel for the respondent-university that the petitioner did not qualify to be interviewed in view of the negative recommendation of the evaluation experts. In that view of the matter, the call letter issued prior to the receipt of the recommendation was withdrawn. It is further submitted that the petitioner is not entitled to have the information regarding the recommendation by the subject experts, as the same is based on the evaluation of the research papers submitted by the petitioner.

On being directed by this court, the first respondent-university produced the records relating to promotion to the post of Professor (promotion) under Career Advancement Scheme as per U.G.C. guidelines. A perusal of the record shows that the University Grants Commission, in its meeting held on 18.1.2002, in modification of the earlier procedure for promotions under the Career Advancement Scheme, evolved a new criteria and passed a resolution to that effect. The guideline relevant to the case of the petitioner reads as follows:

“ That all the recommendations be positive from three experts. In case, the recommendation of one out of three is in negative, the research publications be sent to the 4th expert for evaluation and assessment. In all, there has to be a minimum of three positive recommendations out of the total of four experts, in case, the fourth expert has participated in the exercise due to one negative report out of the three experts involved in the evaluation.”

In respect of the petitioner, the record discloses that the evaluation reports of two papers submitted by the petitioner came in positive in favour of the petitioner and the third report did not recommend the case of the petitioner for promotion as Professor, and, accordingly, it was referred to fourth subject expert, as per the guidelines. But, the report of the fourth expert also came in negative. Therefore, in all, there are two

positive reports and two negative reports.

While it is true that the petitioner was earlier sent call letter to appear for the interview scheduled on 12.11.2005, but, subsequently, in view of the recommendations received from the subject experts, the petitioner is not qualified to participate in the selection process for promotion to the post of Professor, as per the guidelines. Though, it is contended by the learned counsel for the petitioner that no reasons are indicated, but the impugned order is only an intimation to the petitioner withdrawing the earlier notice sent to face the interview on 12.11.2005, and, it is not an order by itself, on which the case of the petitioner is rejected for promotion and having regard to the nature of promotion, which is under Career Advancement Scheme of the University Grants Commission and the consideration of the candidates for the same is subject only to three positive recommendations by the evaluation experts of the research papers submitted by them and as only two reports out of four are in favour of the petitioner, she gets no right to participate in the interview for promotion to the post of Professor, as per the guidelines and it is not obligatory on the part of the respondent-university to give the details of the recommendation sent by the subject experts. The reports of the evaluation by the subject experts are only for the use of the authorities for the purpose of deciding as to the eligibility of the candidates for being considered for promotion under the Career Advancement Scheme and in view of the negative recommendations by two evaluation experts, the petitioner became ineligible to be considered for promotion and no right accrues to her either to demand that she should be furnished with the negative reports or that she should be brought under the zone of consideration for selection. There is also no provision for furnishing any information as to the recommendation by the subject experts to the candidates.

In that view of the matter, it cannot be said that the action of the respondent-university in issuing the impugned proceedings is neither arbitrary nor illegal, which warrants interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

The writ petition is devoid of merits and is, therefore, dismissed. No order as to costs.

2006. (R.SUBHASH REDDY, J.)

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